



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT

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Instruction Memorandum No. 2012- 141  
Expires: 09/30/2013

To: All SD's, CD's and AD's  
Attn: Bureau of Land Management Freedom of Information Act (FOIA)  
Coordinators

From: Assistant Director, Renewable Resources and Planning

Subject: Confidentiality of Paleontological Locality Information under the Omnibus Public  
Lands Act of 2009, Title VI, Subtitle D on Paleontological Resources  
Preservation

**Program Areas:** FOIA, Paleontological Resources Management

**Purpose:** This Instruction Memorandum (IM) is a revision of IM 2009-138 that established policy regarding the confidentiality of paleontological locality information under the provisions of the Omnibus Public Lands Act of 2009, Title VI, Subtitle D on Paleontological Resources Preservation, known by its popular name as the Paleontological Resources Preservation Act (PRPA, the Act, 16 U.S.C. 470aaa *et seq.*).

**Policy/Action:** Public Law 111-011, Title VI, Subtitle D, Section 6304 requires that paleontological locality information associated with paleontological resources use permits remain confidential as well as information concerning the nature and location of the paleontological resource.

For paleontological resources use permits, Section 6304 states,

“(c) Permit Specifications - A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

\* \* \* \* \*

(3) Specific locality data will not be released by the permittee or repository without the written permission of the Secretary.”

In accordance with the FOIA, 5 U.S.C. Section 552(b), the PRPA establishes particular criteria for withholding certain paleontological records under Exemption 3.

Specifically, Section 6309 states,

“Information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under Section 552 of Title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

- (1) Further the purposes of this subtitle;
- (2) Not create risk of harm to or theft or destruction of the resource or the site containing the resource; and
- (3) Be in accordance with other applicable laws.”

The PRPA requires that the Secretary develop implementing regulations. The draft proposed regulations have been prepared and are in the early stages of review.

Offices should work with researchers and consultants who need access to paleontological locality information from either Bureau of Land Management (BLM) offices or repositories for scientific studies or for survey and inventories for processing use authorizations or other projects. A written determination must be made by the authorized officer regarding the release of needed information, and a written assurance is required from the researcher or consultant that paleontological locality information will not be released without approval of the authorized officer. The BLM must coordinate with repositories about the approval of the release of information and provide a copy of the written determination and written assurance.

**Timeframe:** This guidance is effective immediately for all BLM offices.

**Background:** Public Law 111-011, Title VI, Subtitle D, known by its popular name as the Paleontological Resources Preservation Act (PRPA, the Act, 16 U.S.C. 470aaa *et seq.*), is BLM’s legal authority governing preservation, protection, and management of paleontological resources on public lands.

**Budget Impact:** Costs are minimal for implementation of this policy.

**Manual/Handbook Affected:** Policy regarding confidentiality of locality data in Manual Section (MS) 8270, “Paleontological Resources Management” is now superseded by the PRPA. This manual section will be revised after the final regulations have been promulgated or new policy and direction in accordance with the Act are issued. The PRPA also affects MS 1278, “External Access to BLM Information” by adding a new FOIA Exemption 3 statute which is used to protect confidentiality of paleontological resources.

**Coordination:** This IM has been coordinated jointly by the WO Division of Cultural, Paleontological Resources and Tribal Consultation and the Information Resource Management Governance Division (WO-560).

**Contact:** For questions regarding application of this policy and guidance, please contact Lucia Kuizon, National Paleontologist, at (202) 912-7253 or lkuizon@blm.gov; or Laura Bell, FOIA Program Analyst, at (202) 912-7562 or lfbell@blm.gov.

A handwritten signature in black ink, appearing to read 'Edwin L. Roberson', with a long horizontal flourish extending to the right.

Edwin L. Roberson  
Assistant Director  
Renewable Resources and Planning